

Appl. No.: 09/742,190
Filed: December 22, 2000
Amdt. Dated March 28, 2008

REMARKS

This amendment is submitted in reply to the Office Action dated January 11, 2008. Claims 1, 5-14 and 23-31 currently stand rejected. Applicant has amended independent claims 1, 23 and 31 to more particularly distinguish the claimed invention from the cited references. Newly added claims 32-36 have been added to further define patentable aspects of the invention. No new matter has been added by the amendment.

In light of the amendment and the remarks presented below, Applicant respectfully requests reconsideration and allowance of all now-pending claims of the present application.

Claim Rejections - 35 USC §112

Claims 1, 5-14 and 23-31 currently stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In this regard, independent claims 1, 23 and 31 previously recited "a message" in two separate locations, thereby creating confusion with respect to which message was referenced in later references to "the message". Applicant has amended independent claims 1, 23 and 31 to clarify the recitations therein with respect to the message claimed. Accordingly, Applicant respectfully submits that the rejection under 35 U.S.C. §112, second paragraph, is overcome.

Claim Rejections - 35 USC §103

Claims 1, 13, 14 and 23 currently stand rejected under 35 U.S.C. §103(a), as being unpatentable over Alperovich et al. (U.S. Patent No. 6,119,014, hereinafter "Alperovich") in view of Irvin (U.S. Patent No. 6,360,101). Claims 5-8 and 10 currently stand rejected under 35 U.S.C. §103(a) as being unpatentable over Alperovich and Irvin in view of Gerszberg et al. (U.S. Patent No. 6,385,305, hereinafter "Gerszberg"). Claims 9, 11, 12 and 24-29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Alperovich and Welch in view of various combinations of Gerszberg, Jennings (U.S. Patent No. 5,781,186), or Hashimoto et al. (U.S. Patent No. 6,263,201, hereinafter "Hashimoto").

Applicant has amended independent claim 1 to recite, *inter alia*, storing the component as a message together with a message header holding the location conditions under which the message is enabled to be opened by the device of the recipient in a memory of the communication device, the message header further including information descriptive of content of the message **and information displayable to the recipient indicating requirements to read the message**. Accordingly, the message header, which includes information descriptive of content of the message and the requirements for reading the message, holds the location conditions. Furthermore, the requirements for reading the message may be displayed to the recipient so, for example, the recipient can determine necessary conditions and/or connectivity to facilitate opening the message.

Alperovich relates to SMS messages that may be delivered to a called subscriber in a certain location. FIG. 4 of Alperovich illustrates the SMS message (420), which includes location information (470), a priority indicator (410) and a reminder indicator (415). However, Alperovich fails to teach or suggest that the header of the SMS message includes any information relating to requirements to read the message. Accordingly, Alperovich also fails to teach or suggest storing the component as a message together with a message header holding the location conditions under which the message is enabled to be opened by the device of the recipient in a memory of the communication device, the message header further including information descriptive of content of the message **and information displayable to the recipient indicating requirements to read the message** as provided in independent claim 1.

Irvin, Hashimoto, Gerszberg and Jennings are unconcerned with and fail to teach or suggest storing the component as a message together with a message header holding the location conditions under which the message is enabled to be opened by the device of the recipient in a memory of the communication device, the message header further including information descriptive of content of the message **and information displayable to the recipient indicating requirements to read the message** as provided in independent claim 1, and are not cited as such.

Since none of the cited references alone teach or suggest storing the component as a message together with a message header holding the location conditions under which the message is enabled to be opened by the device of the recipient in a memory of the

communication device, the message header further including information descriptive of content of the message and information displayable to the recipient indicating requirements to read the message as provided in independent claim 1, any combination of the cited references likewise fails to render independent claim 1 obvious for at least the same reasons described above. Independent claim 23 is directed to a method reciting substantially similar subject matter to that of independent claim 1 with respect to storing the component as a message together with a message header holding the location conditions under which the message is enabled to be opened by the device of the recipient in a memory of the communication device, the message header further including information descriptive of content of the message and information displayable to the recipient indicating requirements to read the message. Thus, independent claim 23 is patentable over the cited reference, either alone or in combination for at least the same reasons given above for independent claim 1. Claims 5-14 and 24-30 depend either directly or indirectly from respective ones of independent claims 1 and 23, and thus include all the recitations of their respective independent claims. Therefore, dependent claims 5-14 and 24-29 are patentable for at least those reasons given above for independent claims 1 and 23.

Accordingly, Applicant respectfully submits that the rejections of claims 1, 5-14 and 23-30 are overcome.

Independent claim 31, which stands rejected over the combination of Jennings, Alperovich and Irvin, recites, *inter alia*, a presentation file being stored with the message in which the presentation file includes parameters relating to control of a speed of playback of a video file comprising the presentation file at the device of the recipient.

Alperovich and Irvin each fail to provide any disclosure, much less any teaching or suggestion, relating to a presentation file being stored with the message in which the presentation file includes parameters relating to control of a speed of playback of a video file comprising the presentation file at the device of the recipient as provided in independent claim 31. Meanwhile, Jennings, which was previously relied upon to show control over playback speed, only relates to controlling the timing and delays associated with component presentation. For example, col. 1, lines 55-64 of Jennings describes specifying how fast and in what order components of a message are presented. In this regard, each component of Jennings may be presented with a delay as described in the context of slides or other text related elements

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described at col. 1, lines 11-39, col. 4, line 48 to col. 5, line 34 and col. 6, lines 25-29 of Jennings. The delay is used to ensure that a current slide is synchronized with corresponding audio. Accordingly, even if the component were a video file, Jennings does not describe an element to control playback speed of the video file itself, but rather the order and delay associated with the presentation of multiple components. In other words, Jennings does not control playback speed of any particular component and therefore fails to meet the claimed feature of controlling the playback speed of a video file.

Since Jennings, Alperovich and Irvin each fail to teach or suggest a presentation file being stored with the message in which the presentation file includes parameters relating to control of a speed of playback of a video file comprising the presentation file at the device of the recipient as provided in independent claim 31, any combination of Jennings, Alperovich and Irvin also fails to teach or suggest such feature. Thus, independent claim 31 is patentable over the cited references taken either alone or in combination.

Accordingly, Applicant respectfully submits that the rejections of claim 31 is also overcome.

Newly Added Claims

Applicants have added new claims 32-36 to more particularly define aspects of the present application. The new claims include no new matter and are fully supported by the specification and the drawings of the present application.

Accordingly, it is believed that the new claims are in condition for allowance.

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CONCLUSION

In view of the amendment and remarks submitted above, it is respectfully submitted that the present claims are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present invention.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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